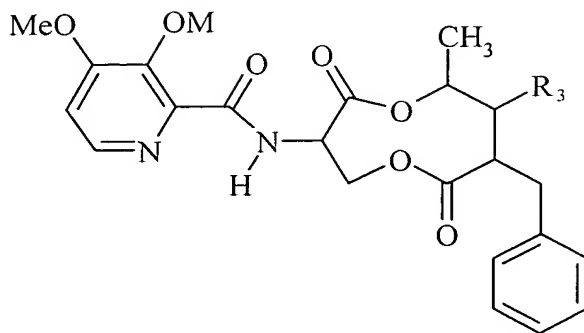


### In the Claims

1. (Previously Amended) A compound having the following formula



wherein  $R_3$  is selected from the group consisting of H,  $R_1$ ,  $OR_1$ ,  $OC(O)OR_1$  or  $OC(O)NR_1R_6$ , where  $R_1$  is selected from the group consisting of  $C_1$ - $C_8$  alkyl,  $C_2$ - $C_8$  alkenyl,  $C_2$ - $C_8$  alkynyl, or  $C_3$ - $C_8$  cycloalkyl, and where  $R_6$  is selected from the group consisting of H,  $C_1$ - $C_6$  alkyl,  $C_3$ - $C_6$  cycloalkyl,  $C_2$ - $C_5$  alkenyl or  $C_2$ - $C_5$  alkynyl; and

wherein M is selected from the group consisting of  $C(O)R_8$ , or  $SO_2R_9$  where  $R_8$  is selected from the group consisting of H,  $C_1$ - $C_6$  alkyl,  $C_2$ - $C_6$  alkenyl,  $C_2$ - $C_6$  alkynyl,  $C_3$ - $C_6$  cycloalkyl, alkoxyalkyl, haloalkyl, alkoxyalkenyl, haloalkenyl, alkoxyalkynyl, haloalkynyl, substituted and unsubstituted arylalkyl, substituted and unsubstituted arylalkenyl, substituted and unsubstituted arylalkynyl, substituted and unsubstituted aryl, substituted and unsubstituted heteroaryl,  $C_1$ - $C_6$  alkoxy,  $C_3$ - $C_6$  cycloalkoxy,  $C_1$ - $C_6$  haloalkoxy,  $C_2$ - $C_6$  alkenyloxy,  $C_2$ - $C_6$  haloalkenyloxy,  $C_2$ - $C_6$  alkynyloxy,  $C_2$ - $C_6$  haloalkynyloxy,  $C_1$ - $C_6$  thioalkoxy, substituted and unsubstituted arylalkoxy, substituted and unsubstituted arylalkenyloxy, substituted and unsubstituted arylalkynyloxy, substituted and unsubstituted aryloxy, substituted and

unsubstituted heteroaryloxy, amino unsubstituted or substituted with one or two C<sub>1</sub>-C<sub>6</sub> alkyl groups,

wherein alkyl, alkenyl, and alkynyl, include within their scope both straight and branched groups, the terms alkenyl, alkenylene are intended to include groups containing one or more double bonds, and the terms alkynyl, alkynylene are intended to include groups containing one or more triple bonds,

cycloalkyl, refers to C<sub>3</sub>-C<sub>14</sub> cycloalkyl groups containing 0-3 heteroatoms and 0-2 unsaturations, the foregoing terms further contemplate either substituted or unsubstituted forms, unless specifically defined otherwise, a substituted form refers to substitution with one or more groups selected from halogen, hydroxy, cyano, nitro, aroyl, aryloxy, aryl, arylthio, heteroaryl, heteroaryloxy, heteroarylthio, C<sub>1</sub>-C<sub>8</sub> acyl, C<sub>1</sub>-C<sub>6</sub> haloalkyl, C<sub>1</sub>-C<sub>6</sub> alkoxy, C<sub>1</sub>-C<sub>6</sub> haloalkoxy, C<sub>1</sub>-C<sub>6</sub> alkylthio, C<sub>1</sub>-C<sub>6</sub> haloalkylthio, carboaryloxy, carboheteroaryloxy, C<sub>1</sub>-C<sub>6</sub> carboalkoxy or amido unsubstituted or substituted with one or two C<sub>1</sub>-C<sub>6</sub> alkyl groups,

wherein the term aryl refers to a substituted phenyl or naphthyl group, the term heteroaryl refers to any 5 or 6 membered aromatic ring containing one or more heteroatoms, these heteroaromatic rings may also be fused to other aromatic systems, the foregoing terms further contemplate either substituted or unsubstituted forms, a substituted form refers to substitution with one or more groups selected from nitro, C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>1</sub>-C<sub>6</sub> haloalkyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>2</sub>-C<sub>6</sub> alkynyl, aryl, heteroaryl, halogen, hydroxy, C<sub>1</sub>-C<sub>6</sub> alkoxy, C<sub>1</sub>-C<sub>6</sub> haloalkoxy, C<sub>1</sub>-C<sub>6</sub> alkylthio, C<sub>1</sub>-C<sub>6</sub> alkylsulfonyl, C<sub>1</sub>-C<sub>6</sub> alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub> OC(O)alkyl, OC(O)aryl, C<sub>3</sub>-C<sub>6</sub> OC(O)cycloalkyl, C<sub>1</sub>-C<sub>6</sub> NHC(O)alkyl, C<sub>3</sub>-C<sub>6</sub> NHC(O)cycloalkyl, NHC(O)aryl, NHC(O)heteroaryl, C<sub>3</sub>-C<sub>6</sub>

cycloalkylthio, C<sub>3</sub>-C<sub>6</sub> cycloalkylsulfonyl, C<sub>3</sub>-C<sub>6</sub> cycloalkylsulfinyl, aryloxy, heteroaryloxy, heteroarylthio, heteroarylsulfinyl, heteroarylsulfonyl, arylthio, arylsulfinyl, arylsulfonyl, C(O)R<sub>Y</sub>, C(NOR<sub>X</sub>)R<sub>Y</sub> where R<sub>Y</sub> and R<sub>X</sub> are independently H, C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, aryl or heteroaryl in which any alkyl or cycloalkyl containing substituent may be substituted with one or more halogens, the terms halogen and halo include chlorine, bromine, fluorine and iodine, the term haloalkyl refers to groups substituted with one or more halogen atoms, the term alkoxy as used herein refers to a straight or branched chain alkoxy group, the term haloalkoxy refers to an alkoxy group substituted with one or more halogen atoms, where R<sub>9</sub> is selected from the group consisting of C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>3</sub>-C<sub>6</sub> alkynyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, aryl, or heteroaryl.

- 2.(cancelled) [A compound according to claim 1 wherein R<sub>3</sub> is H and M is H.]
- 3.(original) A compound according to claim 1 wherein R<sub>3</sub> is H and M is C(O)R<sub>8</sub>.
4. (original) A compound according to claim 1 wherein R<sub>3</sub> is H and M is SO<sub>2</sub>R<sub>9</sub>.
- 5.(cancelled) [A compound according to claim 1 wherein R<sub>3</sub> is R<sub>1</sub> and M is H.]
6. (original) A compound according to claim 1 wherein R<sub>3</sub> is R<sub>1</sub> and M is C(O)R<sub>8</sub>.
7. (original) A compound according to claim 1 wherein R<sub>3</sub> is R<sub>1</sub> and M is SO<sub>2</sub>R<sub>9</sub>.
- 8.(cancelled) [A compound according to claim 1 wherein R<sub>3</sub> is OR<sub>1</sub> and M is H.]
9. (original) A compound according to claim 1 wherein R<sub>3</sub> is OR<sub>1</sub> and M is C(O)R<sub>8</sub>.
10. (original) A compound according to claim 1 wherein R<sub>3</sub> is OR<sub>1</sub> and M is SO<sub>2</sub>R<sub>9</sub>.
- 11.(cancelled) [A compound according to claim 1 wherein R<sub>3</sub> is OC(O)OR<sub>1</sub> and M is H.]
12. (original) A compound according to claim 1 wherein R<sub>3</sub> is OC(O)OR<sub>1</sub> and is C(O)R<sub>8</sub>.
13. (original) A compound according to claim 1 wherein R<sub>3</sub> is OC(O)OR<sub>1</sub> and M is SO<sub>2</sub>R<sub>9</sub>.

- 14.(cancelled) [A compound according to claim 1 wherein  $R_3$  is  $OC(O)NR_1R_6$  and M is H.]
15. (original) A compound according to claim 1 wherein  $R_3$  is  $OC(O)NR_1R_6$  and M is  $C(O)R_8$ .
16. (original) A compound according to claim 1 wherein  $R_3$  is  $OC(O)NR_1R_6$  and M is  $SO_2R_9$ .
17. (original) A method for the control or prevention of fungal infestation, which comprises applying to the locus of the fungus or the locus in which the infestation is to be controlled or prevented, a fungicidally effective amount of the compound of claim 1.
- 18.(cancelled) A method according to claim 17 wherein said compound  $R_3$  is H and M is H.
19. (original) A method according to claim 17 wherein said compound  $R_3$  is H and M is  $C(O)R_8$ .
20. (original) A method according to claim 17 wherein said compound  $R_3$  is H and M is  $SO_2R_9$ .
- 21.(cancelled) [A method according to claim 17 wherein said compound  $R_3$  is  $R_1$  and M is H.]
22. (original) A method according to claim 17 wherein said compound  $R_3$  is  $R_1$  and M is  $C(O)R_8$ .
23. (original) A method according to claim 17 wherein said compound  $R_3$  is  $R_1$  and M is  $SO_2R_9$ .
- 24.(cancelled) [A method according to claim 17 wherein said compound  $R_3$  is  $OR_1$  and M is H.]
25. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OR_1$  and M is  $C(O)R_8$ .
26. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OR_1$  and M is  $SO_2R_9$ .
- 27.(cancelled) [A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)OR_1$  and M is H.]
28. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)OR_1$  and is  $C(O)R_8$ .

29. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)OR_1$  and M is  $SO_2R_9$ .
30. (cancelled) [A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)NR_1R_6$  and M is H.]
31. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)NR_1R_6$  and M is  $C(O)R_8$ .
32. (original) A method according to claim 17 wherein said compound  $R_3$  is  $OC(O)NR_1R_6$  and M is  $SO_2R_9$ .
33. (original) A composition comprising a hydrate, salt, or complex of a compound according to claim 1.